

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/371,760	
	Filing Date	August 10, 1999	
	First Named Inventor	Tomoyuki FUNAKI	
	Art Unit	2654	
	Examiner Name	Vijay B. Chawan	
Total Number of Pages in This Submission	1	Attorney Docket Number	393032009400

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response To Notice Of Non-Compliant Amendment Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (CN 25224 555 West Fifth Street, Los Angeles, CA 90013)		
Signature			
Printed name	Mehran Arjomand		
Date	November 30, 2005	Reg. No.	48,231

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV644665133US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 30, 2005

Signature: (Enrique Moreno)



12-02-05

2654
Om

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as Express Mail, Label No.: EV644665133US in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 30, 2005

Signature:

Enrique Moreno
(Enrique Moreno)

Docket No.: 393032009400

Client No. H7119US

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tomoyuki FUNAKI

Confirmation No.: 9629

Application No.: 09/371,760

Examiner: Vijay B. Chawan

Filed: August 10, 1999

Art Unit: 2654

For: DEVICE AND METHOD FOR ANALYZING
AND REPRESENTING SOUND SIGNALS IN
MUSICAL NOTATION (AMENDED)

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT
(37 CFR 1.121)

MS Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice Of Non-Compliant Amendment (copy enclosed) dated November 10, 2005, for which a response is due on December 11, 2005 (the first business day following December 10, 2005). The Notice states that "the drawings are not properly identified in the top margin..."

Please note that no replacement or annotated drawing sheets were submitted with the amendment dated October 21, 2005. Also please note that the Examiner in his office action dated July 21, 2005, did not request that any changes be made to the drawings. The only item which contained drawings transmitted with the amendment on October 21, 2005, was the "Transmittal Of

English Translation Of Priority Document” attaching the English translation of Japanese Patent Application 10-247208. However, the drawings submitted with the English translation of the Japanese patent application do not require identification because they are not amended drawings but rather drawings of the priority application. A copy of the postcard receipt is enclosed for your convenience.

Applicant therefore believes that no response is required to the Notice.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032009400. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 30, 2005

Respectfully submitted,

By 

Mehran Arjomand

Registration No.: 48,231

MORRISON & FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, California 90013

(213) 892-5200

Attorneys for Applicant

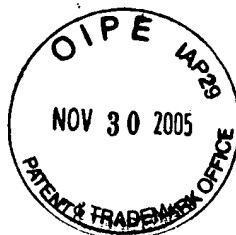


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/371,760	08/10/1999	TOMOYUKI FUNAKI	25484-00750	9629

25224 7590 11/10/2005
MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

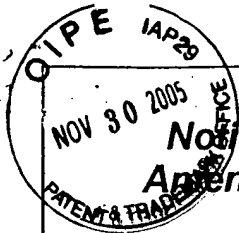


39303-20094.00	
EXAMINER	
CHAWAN, VIJAY B	
ART UNIT	PAPER NUMBER

2654

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09371760

Applicant(s)

Examiner

VJ Chawhan

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 10-21-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☒ B. Other _____
- ☒ 3. Amendments to the drawings:
 - ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☐ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____
- ☐ 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

CV Burden

Legal Instruments Examiner (LIE)

571-272-2235
RECEIVED
Telephone No.

DOCKETED

RESP DUS
12/10/05

NOV 18 2005

MORRISON & FOERSTER LLP
LOS ANGELES



Inventor: Tomoyuki FUNAKI

Atty Docket No.: 393032009400

Application No.: 09/371,760

Filing Date: August 10, 1999

Title: Device And Method For Analyzing And Representing Sound Signals In Musical Notation (Amended)

Documents Filed:

1. Transmittal Form (1 pg)
2. Amendment In Response To Non-Final Office Action (11 pp)
3. Transmittal Of English Translation Of Priority Document (1 pg) plus English translation of JP10-247208
4. Postcard Receipt

Via: Certificate of Mailing – Express Mail – EV644664915US

Sender's Initials: DLF/MA/kk

Date: October 21, 2005



la-824694